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January 10, 2020

**VIA FEDERAL EXPRESS AND E-MAIL**

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RE: *Joseph Mantha v. QuoteWizard.com, LLC*  
Civil Action No. 1:19-cv-12235-LTS  
Our File No. 019123.01563 (D. Mass.)

Dear Attorneys Paronich, McCue, Washkowitz, and Broderick,

As you know, this office represents QuoteWizard.com, LLC ("QuoteWizard") in the above-captioned putative class action lawsuit filed by you on behalf of Plaintiff Joseph Mantha ("Plaintiff" or "your client").

I write regarding your client's allegation that he did not consent to receive the text messages at issue from QuoteWizard. Enclosed herewith is proof of consent by your client. QuoteWizard received this proof of consent from a marketing partner before contacting your client. As you know, consent is a total defense to your client's TCPA claims. See, e.g., *Breda v. Cellco Partnership*, 934 F.3d 1, 4 n.4 (1st Cir. 2019) (prior consent is complete affirmative defense to ATDS claim); *Gulden v. Dickey's Barbeque*

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*Rests., Inc.*, 2018 U.S. Dist. LEXIS 218757, at \*5-7 (D. Ariz. July 9, 2018) (prior express invitation or permission is complete affirmative defense to do-not-call claim).

It is QuoteWizard's position that, in light of the clear consent made by your client, which is contrary to allegations made in the Complaint, the Complaint must be withdrawn in accordance with Fed. R. Civ. P. 11. If not withdrawn, we plan to bring proof of your client's consent to the Court's attention.

In addition, although you have already been so informed, I write to further clarify that QuoteWizard's business model is premised on contacting consumers *only where the consumer has consented to be contacted* within the meaning of TCPA's consent/permission rules. In no event does QuoteWizard contact anyone where it does not have consent to contact. Your client's lawsuit cannot be sustained on either an individual or class basis.

Thank you in advance for your cooperation.

Very truly yours,



Kevin P. Polansky

Enclosure

## QW LEAD DATA FILE for

Lead Date	Phone	quote_id
08/05/19	508-353-██████	67A6D840-E3A7-4907-9790-71757BFB6148

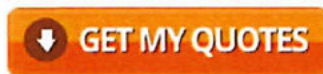
## Rev Point Media

Consumer Data Field	Consumer Information
First Name	Joe
Last Name	Mantha
Address	38 Vista Cir
Zip Code	01543
City	Rutland
State	MA
Phone	508-353-██████
Email	jmantha7@yahoo.com
Consumer IP Address	96.242.132.██████
Jornaya Lead ID	8D3524DC-1DD7-ED25-01E8-DEF8A3F4EBFF
Form URL & Carrie List URL	<a href="http://snappyautoinsurance.com/step2.php?s1=&amp;zip=01543&amp;source=5">http://snappyautoinsurance.com/step2.php?s1=&amp;zip=01543&amp;source=5</a>
Browser/Device:	N/A

**TCPA Disclosure:** By clicking the "Compare Rates >" button, I hereby consent to receive marketing communications via autodialed and/or pre-recorded calls, including SMS messages, from AutoInsurQuotes.com and one or more of its marketing partners at the phone number provided, including wireless numbers, if applicable. I understand that consent is not a condition to receive quotes or make a purchase. In order to receive quotes without providing consent, please call AutoInsurQuotes.com @ 1-888-920-8495

## Screenshot:

By clicking the "Compare Rates >" button, I hereby consent to receive marketing communications via autodialed and/or pre-recorded calls, including SMS messages, from AutoInsurQuotes.com and one or more of its marketing partners at the phone number provided, including wireless numbers, if applicable. I understand that consent is not a condition to receive quotes or make a purchase. In order to receive quotes without providing consent, please call AutoInsurQuotes.com @ [1-888-920-8495](tel:1-888-920-8495)



Your info is secure

